

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

JASON KESSLER)
)
Plaintiff,)
)
v.) Case No. 3:18cv00015-NKM-JCH
)
CITY OF CHARLOTTESVILLE)
MAURICE JONES)
Charlottesville City Manager)
In his individual and official capacities)
)
Defendants.)

DECLARATION OF DETECTIVE SERGEANT ANTHONY NEWBERRY

I, Detective Sergeant Anthony Newberry, declare under penalty of perjury as follows:

1. I am a Sergeant in the Charlottesville Police Department (“CPD”).
2. In the weeks leading up to Jason Kessler’s August 12, 2017 “Unite the Right rally,” a number of CPD officers were assigned to intelligence efforts, including contacting groups that were purported to be attending the rally, confirming this, and finding out how many of their members were expected to attend. I was specifically assigned the task of getting intelligence on League of the South and Vanguard America and determining how many members of each group would likely be attending the rally. This intelligence was used by CPD to estimate the probable number of demonstrators at the Unite the Right rally.
3. On August 8, 2017, Captain Lewis gave me Jack Pierce’s telephone number and informed me that I was to be Mr. Pierce’s main point of contact in the Charlottesville

Police Department regarding the Unite the Right rally. I understand from the City's legal counsel that the City now believes that Jack Pierce's real name is Allison Pierce III.

4. I was told that Mr. Kessler had put Mr. Pierce in charge of security for the rally speakers. He and I spoke on several occasions regarding speaker security issues; however, rather than providing me with details regarding the speakers and their wants and needs for getting into and out of Emancipation Park, he instead asked me very specific questions about how and where the police and other law enforcement resources would be deployed, what street closures were planned and where, and other questions about the CPD's own security plans. These questions did not seem appropriate to me, and I was concerned that they suggested that Mr. Kessler and his team might be planning to circumvent security arrangements we were making. In any event, I did not answer many of his questions for security reasons, though I continued to work with him in good faith to assure the security of the speakers for Mr. Kessler's event.
5. I asked Mr. Pierce several times about how many attendees they were expecting. He would say that they had 400 confirmed attendees and that they had a lot of supporters that may show up.
6. The agreed upon plan between Mr. Pierce and me was for police personnel to escort the speakers into the back of Emancipation Park while attendees would enter the park from Market Street.
7. On the morning of August 12, 2017, I contacted Mr. Pierce around 9:30 a.m. to inform him that law enforcement could escort the speakers into Emancipation Park at that time. Mr. Pierce said he and the speakers were with rally attendees in McIntire Park and that he would prepare the speakers for the escort.

8. Mr. Pierce called me back a short time later to tell me for the first time that the speakers no longer wanted to use the police escort. Within several minutes of this call, I saw 8-10 large vans each drop off twenty or so demonstrators, many of whom had shields and other armament, on the back side of the Park, which was the area where I told Mr. Pierce the police escort would drop off the speakers. My immediate reaction was that we had been duped by Mr. Pierce and that the speakers had never intended to cooperate with the security plan they had agreed to. I recall turning to Detective Braden Kirby of the Charlottesville Police Department at the time and stating, "They [meaning Mr. Kessler and his security personnel] have no intention of this going well."

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.



Det. Sgt. Anthony Newberry

Dated: July 6, 2018